

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NEW PRIME, INC.,

Plaintiff,

v.

3:14-CR-2410  
(JUDGE MARIANI)

BRANDON BALCHUNE  
CONSTRUCTION, INC., POCONO  
TRANSCRETE, INC., PATRICK  
MCLAINE, P.E., CIVIL DESIGN  
PARTNERS, INC., JERRY RANIELI,  
SAMUEL J. MARRANCA, SAMUEL J.  
MARRANCA GENERAL CONTRACTING  
CO., MIDLANTIC ENGINEERING, INC.

Defendants.

ORDER

AND NOW, THIS 15<sup>th</sup> DAY OF DECEMBER, 2017, upon consideration of the

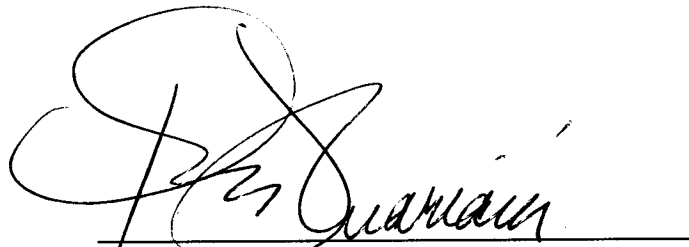
Motion for Summary Judgment of Defendants Samuel J. Marranca and Samuel J. Marranca General Contracting Co. (together the "Marranca Defendants") (Doc. 202), and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. The Motion (Doc. 202) is **DENIED** in part and **GRANTED** in part, to wit:
  - a. The Motion is **DENIED** with respect to Plaintiff's breach of contract claim (Count VIII) and negligence claim (Count IX); and
  - b. The Motion is **GRANTED** and summary judgment is **ENTERED** on behalf of the Marranca Defendants with respect to Defendant Pocono Transcrete,

Inc.'s crossclaim for contribution against the Marranca Defendants (Doc. 161).

2. A telephone scheduling conference **SHALL BE CONDUCTED** on **Thursday, January 4, 2018 at 4:30 p.m.** for purposes of scheduling this matter for trial.

Counsel for the Plaintiff is responsible for arranging the call to Chambers at (570) 207-5750 and all participants should be prepared to proceed before the undersigned is contacted.

A handwritten signature in black ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani  
United States District Judge